



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION FOR MODIFICATION OF CLAIM OF PRIORITY

Applicant: Roger P. Jackson

Serial No.: 10/649,412

Date: October 31, 2007

Filed: August 27, 2003

Group Art Unit: 3733

Exam: Richard R. Shaffer

For: THREADED DEVICE FOR IMPLANTATION BETWEEN VERTEBRAE

Kansas City, Missouri

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It has been determined that the previous claim of benefit of priority under 35 U.S.C. 120 was in error.

Applicant hereby petitions for the benefit of the corrected priority from U.S. Serial No. 09/644,722, now Patent No. 6,666,888, as an unintentionally delayed benefit claim under 35 U.S.C. 119(e).

It is believed that all requirements of the Petition under Rule 78(a)(3) are met as follows:

a) An amendment to the application to cross reference corrected priority is submitted herewith along with a corrected Data Sheet.

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b) The surcharge of \$1410 set forth in Rule 17(t) is submitted herewith. If an additional fee must be charged, please charge it to Deposit Account No. 50-1253.

c) The entire delay between the date when the claim was due and the present was unintentional.

Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop RCE
Commissioner For Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450 on
October 31, 2007.

Roger P. Jackson
(Applicant)

By



October 31, 2007

(Date of Signature)